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MAR 19 2001

**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of :
Campbell et al. : DECISION ACCORDING A
Application No. 09/483,084 : FILING DATE AND REFUSING
Filed: 24 May, 2000 : STATUS UNDER
Attorney Docket No. 00981-0007-US00 : 37 CFR 1.47(a)

This is a decision on the renewed petition filed on 26 January, 2001 (certificate of mailing date 22 January, 2001), which is being treated as a petition under 37 CFR 1.53 to accord the above-referenced application a filing date of 14 January, 2000, with page 4 of the specification as a part of the original disclosure, and a petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.53 is **GRANTED**.

The petition under 37 CFR 1.47(a) is **DISMISSED**

Petitioner is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.182," and/or under 37 CFR 1.47(a), and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time under 37 CFR 1.136(a) are permitted.

In their renewed petition, petitioners state that joint inventor Omilinsky died on 19 January, 2001. In order to obtain Rule 47 status, petitioners would need to show that a copy of the application papers were given to the legal representative of the deceased joint inventor, and that the legal representative subsequently refused to sign. However, as Omilinsky assigned all of his rights in the invention to assignee Blue Ridge Pharmaceuticals, Inc. ("Blue Ridge"), Blue Ridge may sign the declaration on his behalf.

Petitioner should provide (a) a copy of the assignment from joint inventor Campbell to Blue Ridge, (b) a revocation and new power of attorney from Blue Ridge, as the assignee intervening as a matter of right, to petitioner's counsel, and (c) an oath or declaration signed by both joint inventor Campbell and by a corporate officer of the assignee. The oath or declaration should contain signature blocks containing the residence, mailing address, and citizenship for joint inventors Campbell and Omilinsky and also for the corporate officer signing on behalf of Blue Ridge. If the oath or declaration is not signed by a corporate officer (president, vice president, secretary, or treasurer), proof of the signing individual's authority to sign on behalf of the assignee must be provided.

As petitioner has requested a filing date of the date of deposit of the missing page 4 of the specification, and submitted a declaration covering that page, the application will be accorded a filing date of 24 May, 2000.

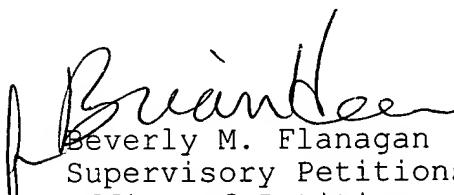
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner of Patents and Trademarks
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By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23
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Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood at (703) 308-6918.


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